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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046058
Party	Plaintiff MASIMO CORPORATION
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Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Stacey R. Halpern
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Date	08/05/2009
Attachments	2009-08-05 Stipulated Motion to Suspend Proceedings.pdf ( 3 pages )(296630 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Masimo Corporation,

Opposer,

v.

Medtronic, Inc.,

Applicant.

Medtronic, Inc.,

Counter-Claim Petitioner,

v.

Masimo Corporation,

Counter-Claim Respondent.

Cancellation Nos.: 92,046,058  
92,046,064

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board of the U.S. Patent and Trademark Office through their website located at <http://estta.uspto.gov> on:

August 5, 2009

(Date)



Stacey R. Halpern

**STIPULATED MOTION TO SUSPEND CONSOLIDATED  
CANCELLATION PROCEEDING**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Pursuant to T.B.M.P. § 510.02(a), 37 CFR §2.117 (a) Opposer/Counter-Claim Respondent, Masimo Corporation (“Masimo”) hereby moves the Trademark Trial and Appeal Board (the “Board”) to suspend the above-referenced consolidated cancellation proceeding pending the parties’ continued settlement discussions.

On February 4, 2009, the Board suspended the above-referenced consolidated U.S. cancellation proceedings pending the parties’ settlement discussions.


Since this time, Masimo submits that draft settlement agreements have been exchanged by the parties and that Masimo is currently reviewing a revised draft agreement provided by Medtronic, Inc. The parties are attempting to resolve the consolidated cancellation proceedings pending in the U.S. as well as several proceedings that have been brought in other countries. As several different matters and countries are involved, the settlement negotiations have been complicated and taken considerable time.

Masimo believes the matters can be resolved during the next few months. Accordingly, Masimo is requesting a sixty (60) day suspension. As the suspension of these proceedings will likely save the Board's time and resources as well as the parties' time and resources, this suspension is sought for good cause and not for purposes of delay. Applicant/Counter-Claim Petitioner's counsel provided his consent to this suspension via electronic mail on August 4, 2009. In light of the foregoing, Masimo respectfully requests that the Board suspend the consolidated proceedings.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 5, 2009

By:   
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Attorneys for Masimo Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **STIPULATED MOTION TO SUSPEND CONSOLIDATED CANCELLATION PROCEEDING** upon Applicant/Counter-Claim Petitioner's counsel via electronic mail on August 5, 2009, addressed as follows:

Dean R. Karau  
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Stacey R. Halpern

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